

**DENTISTRY EXAMINING BOARD
MEETING MINUTES
March 1, 2017**

PRESENT: Debra Beres, RDH; Mark Braden, DDS; Eileen Donohoo, RDH; Leonardo Huck, DDS; Lyndsay Knoell, DDS; Timothy McConville, DDS; Wendy Pietz, DDS; Carrie Stempski, RDH (*via GoToMeeting;*) Beth Welter, DDS

STAFF: Brittany Lewin, Executive Director; Amber Cardenas, Legal Counsel; Sharon Henes, Administrative Rules Coordinator; Nifty Lynn Dio, Bureau Assistant; and other Department staff

CALL TO ORDER

Mark Braden, Chair, called the meeting to order at 9:00 a.m. A quorum of nine (9) members was confirmed.

ADOPTION OF AGENDA

MOTION: Debra Beres moved, seconded by Wendy Pietz, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Debra Beres moved, seconded by Timothy McConville, to approve the minutes of January 4, 2017 as published. Motion carried unanimously.

DELEGATION MOTION

Monitoring Delegations

MOTION: Debra Beres moved, seconded by Beth Welter, to adopt the ‘Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor’ document as presented. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS – DISCUSSION AND CONSIDERATION

Proposals for Amending DE 7, 8 Relating to Certification of Dental Hygienists to Administer Local Anesthesia and Patient Dental Record Retention

MOTION: Lyndsay Knoell moved, seconded by Debra Beres, that the Board will not be moving forward in promulgating rules for DE 7 and 8 regarding certification of dental hygienists to administer local anesthesia and patient dental record retention. Motion carried unanimously.

Guidelines for Prescribing Controlled Substances

MOTION: Timothy McConville moved, seconded by Eileen Donohoo, designate Wendy Pietz to give final approval of the Guidelines for Prescribing Controlled Substances as presented by the Controlled Substances Guidelines Committee of the Dental Examining Board after the modifications discussed at today’s meeting are incorporated. Motion carried unanimously.

MOTION: Debra Beres moved, seconded by Beth Welter, to request the Controlled Substances Guidelines be distributed to licensees via e-mail. Motion carried unanimously.

Update on Legislation and Pending and Possible Rulemaking Projects

MOTION: Debra Beres moved, seconded by Eileen Donohoo, to request DSPS staff draft a Scope Statement revising DE 9 and 11 relating to laboratories and work authorizations and anesthesia and authorize the Chair to approve the scope for submission to the Governor's office and publication, and to authorize the chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously. Motion carried unanimously.

CLOSED SESSION

MOTION: Debra Beres moved, seconded by Timothy McConville, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Mark Braden, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Debra Beres – yes; Mark Braden – yes; Eileen Donohoo – yes; Leonardo Huck – yes; Lyndsay Knoell – yes; Timothy McConville – yes; Wendy Pietz – yes; Carrie Stempski – yes; Beth Welter – yes. Motion carried unanimously.

The Board convened into Closed Session at 11:17 a.m.

RECONVENE TO OPEN SESSION

MOTION: Debra Beres moved, seconded by Leonardo Huck, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 1:02 p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Leonardo Huck moved, seconded by Debra Beres, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

CREDENTIALING MATTERS

(Carrie Stempski recused herself and disconnected for deliberation and voting in the matter of M.M., D.D.S.)

MOTION: Wendy Pietz moved, seconded by Timothy McConville, to notify M.M., D.D.S., that the Board has determined Dentistry license number 1001050-15 was issued in error. Applicant cannot be licensed in the State of Wisconsin to practice as a Dentist until all current licensure requirements are met. Motion carried unanimously.

DELIBERATION DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warning

MOTION: Timothy McConville moved, seconded by Leonardo Huck, to accept the parties' stipulation and issue an Administrative Warning in DLSC Case No. 13 DEB 119 (D.N.). Motion carried unanimously.

MOTION: Debra Beres moved, seconded by Lyndsay Knoell, to issue an Administrative Warning in DLSC Case No. 16 DEB 089 (L.B.). Motion carried unanimously.

(Eileen Donohoo recused herself and left the room for deliberation and voting in the matter of disciplinary proceedings against L.B., DLSC Case No. 16 DEB 089)

Proposed Stipulations, Final Decisions and Orders

16 DEB 098 – James J. Blong

MOTION: Eileen Donohoo moved, seconded by Leonardo Huck, to adopt the Finding of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against James J. Blong, DLSC Case No. 16 DEB 098. Motion carried unanimously.

Case Closures

MOTION: Eileen Donohoo moved, seconded by Debra Beres, to close the DLSC cases for the reasons outlined below:

1. 15 DEN 029 – P3 (Prosecutorial Discretion)
2. 15 DEN 104 – P1 (Prosecutorial Discretion)
3. 16 DEN 035 – No Violation
4. 16 DEN 045 – No Violation
5. 16 DEN 050 – P7 (Prosecutorial Discretion)
6. 16 DEN 075 – Insufficient Evidence
7. 16 DEN 082 – Insufficient Evidence

Motion carried unanimously.

PROPOSED FINAL DECISION AND ORDER IN THE MATTER OF THE APPLICATION RENEWAL OF A DENTISTRY LICENSE, BONGMIN AN, APPLICANT, DHA CASE NO. SPS-16-0043/DLSC CASE NO. 16 DEN 044, APPLICANT'S OBJECTIONS AND DIVISION'S RESPONSE

(Wendy Pietz recused herself and left the room for oral presentation, deliberation, and voting in the matter concerning Bongmin An, Applicant, DHA Case No. SPS-16-0043/DLSC Case No. 16 DEN 044)

(Amber Cardenas, Attorney, recused herself and left the room for deliberation and voting in the matter concerning Bongmin An, Applicant, DHA Case No. SPS-16-0043/DLSC Case No. 16 DEN 044)

MOTION: Timothy McConville moved, seconded by Debra Beres, to adopt the Proposed Decision and Order in the matter of application for dentistry license renewal of Bongmin An (DHA Case No. SPS-16-0043/DLSC Case No. 16 DEN 044.) Motion carried unanimously.

ADJOURNMENT

MOTION: Eileen Donohoo, seconded by DebraBeres, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:04 p.m.